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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,486	03/07/2002	Dean Moses	19312.0021	9466

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GRAY, CARY, WARE & FREIDENRICH LLP  
1221 SOUTH MOPAC EXPRESSWAY  
SUITE 400  
AUSTIN, TX 78746-6875

EXAMINER
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CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/19/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,486

Applicant(s)

MOSES ET AL.

Examiner

Andrew Caldwell

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,11-22,26-32,34-38,42,43,46 and 59-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11-22,26-32,34-38,42,43,46 and 59-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 15-16.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Remarks**

Claims 1-46 and 59-78 are pending.

**Oath/Declaration**

A supplemental oath or declaration is required for the reasons given in the last Office action. Per the Applicants' request that the requirement be held in abeyance, a new oath or declaration will only be required after allowable subject matter has been indicated.

**Claim Objections**

Claims 3-4 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3-4 both depend on cancelled claim 2. For purposes of prior art rejections in this Office action, claims 3-4 will be construed as depending on claim 1.

Claim 3 is objected to because of the following informalities: See the phrase "comprises comprising" at line 2. Appropriate correction is required.

Claim 71 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 71 is a system claim but it depends on method claim 1. This appears to be a typographical error. For purposes of

prior art rejections in this Office action, claim 71 will be construed as depending on apparatus claim 30.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-7, 11-22, 26-32, 34-38, 42-43, 46, 59-78 are rejected under 35 U.S.C. 102(a) as being anticipated by Grosso, P., XML Fragment Interchange, W3C, [www.w3.org/TR/xml-fragment](http://www.w3.org/TR/xml-fragment), pp. 1-31, February 12, 2001.

Regarding claim 1, Grosso anticipates the claimed invention by disclosing a method comprising:

Designating a component of the site intended for export (p. 5 XML document comprising multiple XML fragments);

Collecting at least one object of the component in an individual export file, wherein the at least one object includes at least one non-file asset configured to operate on a system at the remote location (p. 8 including the fragment body and the fragment context specification in the fragment package, with the fragment body as the non-file asset);

1 Transferring the individual export file to the system at the remote location  
2 (p. 4 paragraph 2);

3 Extracting each object from the individual export file to a location on the  
4 remote system (p. 4 paragraph 2 processing by the recipient of fragment body  
5 using the fragment context specification).

6 Regarding claim 3, Grosso teaches a method wherein designating the  
7 component for export further comprises querying a local system (p. 4).

8 Regarding claim 4, Grosso teaches a method wherein each non-file asset is an  
9 XML fragment with a predetermined structure (pp. 7-8).

10 Regarding claim 5, Grosso teaches a method further comprising parsing the XML  
11 fragment (p. 4).

12 Regarding claim 6, Grosso teaches a method further comprising instantiating  
13 each at least one non-file asset (p. 4).

14 Regarding claim 7, Grosso teaches a method wherein each non-file asset  
15 includes a settings object (p. 8 fragment context specification).

16 Regarding claim 59, Grosso teaches a method further comprising collecting at  
17 least one file-asset of the component in the individual export file, wherein each file-asset  
18 is configured to operate on the system at the remote location (p. 8 fragment context  
19 specification as file-asset).

20 Regarding claim 60, Grosso teaches a method wherein designating the  
21 component comprises querying a subsystem (p. 5).

1           Regarding claim 61, Grosso teaches a method wherein the subsystem is  
2 configured to manage a type of component, wherein the type includes at least one of a  
3 site, module, template, and style (p. 5).

4           Regarding claim 62, Grosso teaches a method wherein the subsystem collects  
5 each object and each file-asset (p. 8).

6           Regarding claims 11-15 and 62-63, they are method claims directed to just the  
7 remote system of claims 1, 3-7, and 59-62, which claim a method encompassing both  
8 the local and the remote system. Since the remarks given above with respect to claims  
9 1, 3-7, and 59-62 apply equally to claims 11-15 and 62-63, they will not be repeated.

10          Regarding claims 16, 18-22, and 65-68, they are computer readable media  
11 claims corresponding to method claims 1, 3-7, and 59-62, respectively. Since they do  
12 not teach or define above the information in the corresponding method claims, they are  
13 rejected under the same basis.

14          Regarding claim 17, Grosso teaches a computer program product further  
15 comprising instructions for performing the step of collecting the assets of the component  
16 (p. 5).

17          Regarding claims 26-29 and 69-70, they are computer readable media claims  
18 corresponding to method claims 11-15 and 62-63, respectively. Since they do not teach  
19 or define above the information in the corresponding method claims, they are rejected  
20 under the same basis.

21          Regarding claims 30-32, 34-38 and 71-76, they are apparatus claims  
22 corresponding to method claims 1, 3-7, and 59-62. Since they do not teach or define

1 above the information in the corresponding method claims, they are rejected under the  
2 same basis.

3       Regarding claims 43, 46, and 77-78 they are apparatus claims directed to just  
4 the remote system of system claims 30-32, 34-38 and 71-76. Since the remarks given  
5 above with respect to claims 30-32, 34-38 and 71-76 apply equally to claims 43, 46, and  
6 77-78, they will not be repeated.

7  
8                               ***Response to Arguments***

9       Applicant's arguments filed on November 17, 2003 (paper no. 11) have been fully  
10 considered but are moot in view of the new grounds of rejection.

11

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**Conclusion**

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell  
703-306-3036  
May 15, 2004